IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

AS.No. 270 of 1991(C)

(OS.128/1987 of SUB COURT, HOSDRUG)

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APPELLANT/2ND DEFENDANT:

M.B.ABDULLA HAJI,
S/O. MOIDEENKUNHI, (CORRECTED AS S/O.ABDUL RAHIMAN HAJI),
KOTTACHERRY,
KANHANGAD VILLAGE,
HOSDRUG TALUK.

BY ADV. SRI.C.P.DAMODARAN NAYAR
SRI.P.SRIHARI

RESPONDENTS/PLAINTIFF AND 1ST DEFENDANT:

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1. MANGAT HASSAINAR,
   S/O.LATE ANDU MAISTRY,
   BARE VILLAGE,
   HOSDRUG TALUK.

2. KUNNUMMAL MAMUNHI,
   S/O.ABDULRAHIMAN HAJI,(CORRECTED AS S/O.MOIDEEN KUNHI HAJI),
   CHITTARI, CHITTARI VILLAGE. (DIED)

ADDL. RESPONDENTS:
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3. KUNHIPATHU,
W/O.DECEASED KUNNUMMAL MAMUNHI,
RESIDING AT CHITTARI P.O., HOSDRUG TALUK,
KANHANGAD, KASARGOD DISTRICT.

4. ABDUL RAHIMAN,
S/O. DECEASED KUNNUMMAL MAMUNHI, DO. DO.

5. ABDUL JALEEL, S/O. -DO- -DO- -DO-.

6. BASHEER, S/O. -DO-, -DO- -DO-.

7. KHALID, S/O. -DO-, -DO- -DO-.

8. JAFFER, S/O. -DO-, -DO- -DO-.

9. SHIYAB, S/O. -DO-, -DO- -DO-.

10.KHADEEJA, D/O. -DO-, -DO- -DO-.

11.SAFFIA, D/O. -DO-, -DO- -DO-.

(THE CAUSE TITLE CORRECTED BY CORRECTING THE NAMES OF THE FATHERS OF THE APPELLANT AND THE 2ND RESPONDENT AS ABDUL RAHIMAN HAJI AND MOIDEENKUNHI HAJI AS PER ORDER DT.9-7-1991 ON C.M.P.3059/91).

(ADDITIONAL RESPONDENTS 3 TO 11 ARE IMPLEADED AS THE LEGAL REPRESENTATIVES OF THE DECEASED 2ND RESPONDENT IN THE APPEAL VIDE ORDER DT.6-1-2005 ON C.M.P.NO.971/2002).

(RESPONDENTS 3 TO 11 ARE DELETED FROM THE ARRAY OF PARTIES AT THE RISK OF THE APPELLANT AS PER ORDER DT.16-1-2007 IN I.A.172/2007.)

BY ADV. SRI.M.RAMESH CHANDER
SRI.M.VIJAYAKUMAR
SRI.P.N.KRISHNANKUTTY ACHAN(SR.)
SRI.M.S.MANIKANDAN
SRI.M.GOPIKRISHNAN NAMBIAR
SMT.T.RESMI DAMODARAN

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.2960/1991 IN A.S.270/1991

DISMISSED.

12-1-2007. SD/- THOTTATHIL B. RADHAKRISHNAN, JUDGE.

-TRUE COPY-

P.S.TO JUDGE.

THOTTATHIL B. RADHAKRISHNAN, J.

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A.S.270 of 1991 and I.A.171 of 2007

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Dated this the 12th day of January, 2007.

JUDGMENT

The compromise is recorded and the impugned decree is vacated and the suit, O.S.128/1987 on the file of the Sub Court, Hosdrug will stand dismissed as withdrawn.

The appellant will be entitled to refund of one half of the court fee paid in view of the compromise.

SD/-

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

-TRUE COPY-

P.S.TO JUDGE.

THOTTATHIL B. RADHAKRISHNAN, J.

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A.S.270 of 1991 & I.A.171 of 2007

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JUDGMENT

Dated: 12th January, 2007.